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6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
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10 LEBARRON J. EDWARDS,

11 Petitioner,

12 v.

13 W.L. MONTGOMERY, Warden,

14 Respondent.
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Case No. LACV 15-8406-JAK (LAL)

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE**

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge's
18 Report and Recommendation, Petitioner's Objections and the remaining record, and has made a
19 *de novo* determination.

20 To the extent Petitioner attempts to raise new claims in his Objections, this Court
21 declines to consider the belatedly-asserted arguments. A district court has discretion, but is not
22 required, to consider evidence or claims presented for the first time in objections to a report and
23 recommendation.¹ Although Petitioner is pro se, he nevertheless had the opportunity to include
24 all of his allegations at an earlier time, but failed to do so. Moreover, Petitioner's claims are not
25 novel claims in an unsettled area of law.² Otherwise, Petitioner's Objections lack merit for the
26 reasons stated in the Report and Recommendation.
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28 ¹ See Brown v. Roe, 279 F.3d 742, 744-45 (9th Cir. 2002).

² See Sossa v. Diaz, 729 F.3d 1225, 1231 (9th Cir. 2013).

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Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and accepted;
2. Judgment be entered denying the Petition and dismissing this action with prejudice; and
3. The Clerk serve copies of this Order on the parties.

DATED: May 25, 2017



HONORABLE JOHN A. KRONSTADT
UNITED STATES DISTRICT JUDGE